



Reprinted  
February 24, 2009

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## SENATE BILL No. 86

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DIGEST OF SB 86 (Updated February 23, 2009 4:43 pm - DI 104)

**Citations Affected:** IC 25-1; IC 25-17.3.

**Synopsis:** Licensure of genetic counselors. Beginning July 1, 2010, requires the licensure of genetic counselors.

**Effective:** July 1, 2009.

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**Miller, Mishler, Sipes**

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January 7, 2009, read first time and referred to Committee on Health and Provider Services.

February 19, 2009, amended, reported favorably — Do Pass.

February 23, 2009, read second time, amended, ordered engrossed.

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SB 86—LS 6209/DI 104+



First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## SENATE BILL No. 86

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A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 25-1-2-2.1, AS AMENDED BY P.L.3-2008,  
2 SECTION 175, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2009]: Sec. 2.1. Rather than being issued  
4 annually, the following permits, licenses, certificates of registration, or  
5 evidences of authority granted by a state agency must be issued for a  
6 period of two (2) years or for the period specified in the article under  
7 which the permit, license, certificate of registration, or evidence of  
8 authority is issued if the period specified in the article is longer than  
9 two (2) years:  
10 (1) Certified public accountants, public accountants, and  
11 accounting practitioners.  
12 (2) Architects and landscape architects.  
13 (3) Dry cleaners.  
14 (4) Professional engineers.  
15 (5) Land surveyors.  
16 (6) Real estate brokers.  
17 (7) Real estate agents.

SB 86—LS 6209/DI 104+



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- (8) Security dealers' licenses issued by the securities commissioner.
- (9) Dental hygienists.
- (10) Dentists.
- (11) Veterinarians.
- (12) Physicians.
- (13) Chiropractors.
- (14) Physical therapists.
- (15) Optometrists.
- (16) Pharmacists and assistants, drugstores or pharmacies.
- (17) Motels and mobile home community licenses.
- (18) Nurses.
- (19) Podiatrists.
- (20) Occupational therapists and occupational therapy assistants.
- (21) Respiratory care practitioners.
- (22) Social workers, marriage and family therapists, and mental health counselors.
- (23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.
- (24) Wholesale legend drug distributors.
- (25) Physician assistants.
- (26) Dietitians.
- (27) Hypnotists.
- (28) Athlete agents.
- (29) Manufactured home installers.
- (30) Home inspectors.
- (31) Massage therapists.
- (32) Genetic counselors.**

SECTION 2. IC 25-17.3 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

**ARTICLE 17.3. GENETIC COUNSELORS**

**Chapter 1. Applicability**

**Sec. 1. This article is effective July 1, 2010.**

**Chapter 2. Definitions**

**Sec. 1. The definitions in this chapter apply throughout this article.**

**Sec. 2. "Board" refers to the medical licensing board of Indiana created by IC 25-22.5-2-1.**

**Sec. 3. "Genetic counseling" means the communication by an individual of any of the following:**

- (1) Estimating, through the following methods, the likelihood**

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of the occurrence or recurrence of a birth defect or a potentially inherited or genetically influenced condition:

(A) Obtaining and analyzing the health history of an individual and the individual's family.

(B) Reviewing medical records.

(C) Evaluating the risks of exposure to possible mutagens or teratogens.

(D) Recommending genetic testing or other evaluation to detect fetal abnormalities or determine the carrier status of a family member.

(2) Explaining to an individual or a family the following:

(A) The medical, psychological, and social implications of a disorder and the usual course of evaluation, treatment, or management.

(B) The genetic factors that contribute to the disorder and how the genetic factors affect the chance for recurrence of the condition in other family members.

(C) The available options for coping with, preventing, or reducing the chance of occurrence or recurrence of the disorder.

(D) The genetic or other tests available for inherited disorders.

(E) How to interpret complex genetic test results.

Sec. 4. "Genetic counselor" means an individual who is licensed under this article to provide genetic counseling.

Sec. 5. "Genetic supervision" refers to the assessment by:

(1) an individual who is licensed under this article; or

(2) a physician licensed under IC 25-22.5;

of an individual who is issued a temporary genetic counselor license. The term includes regular meetings and chart review under a genetic supervision contract entered into by both parties.

Chapter 3. Requirements for Licensure as a Genetic Counselor

Sec. 1. To qualify for licensure as a genetic counselor, an applicant must:

(1) submit an application on a form developed by the board;

(2) pay the licensure fee determined by the board;

(3) provide written evidence that the applicant has earned:

(A) a master's degree from a genetic counseling training program accredited by the American Board of Genetic Counseling or its successor; or

(B) a doctoral degree from a medical genetics training program that is accredited by the American Board of

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- 1           **Medical Genetics or its successor; and**  
 2           **(4) meet the examination requirement for certification as:**  
 3               **(A) a genetic counselor by the American Board of Genetic**  
 4               **Counseling or the American Board of Medical Genetics or**  
 5               **the successor of these entities; or**  
 6               **(B) a medical geneticist by the American Board of Medical**  
 7               **Genetics or its successor.**

8           **Sec. 2. (a) The board may issue a temporary license to an**  
 9           **applicant who:**

- 10               **(1) meets all the requirements under section 1 of this chapter**  
 11               **except the requirement for examination for certification**  
 12               **under section 1(4) of this chapter; and**  
 13               **(2) has an active candidate status for the certification.**

14           **(b) An individual who practices under a temporary license**  
 15           **issued under this section must:**

- 16               **(1) be directly supervised by a licensed genetic counselor or a**  
 17               **physician licensed under IC 25-22.5 under a genetic**  
 18               **supervision contract; and**  
 19               **(2) apply for and take the next available examination for**  
 20               **certification.**

21           **(c) An individual who holds a temporary license issued under**  
 22           **this section and fails the examination for certification described in**  
 23           **section 1(4) of this chapter for the first time may reapply for a**  
 24           **second temporary license. The board may not issue a temporary**  
 25           **license to an individual who has failed the examination for**  
 26           **certification more than one (1) time.**

27           **(d) A temporary license issued under this section expires upon**  
 28           **the earliest of the following:**

- 29               **(1) The date the individual meets the requirements of this**  
 30               **chapter and is issued a license.**  
 31               **(2) Thirty (30) days after the individual fails the examination**  
 32               **for certification described in section 1(4) of this chapter.**  
 33               **(3) The date printed on the temporary license.**

34           **(e) An individual who is issued a temporary license under this**  
 35           **section shall inform the board of the results of the individual's**  
 36           **examination for certification described in section 1(4) of this**  
 37           **chapter.**

38           **Sec. 3. The board may issue a license to an individual who:**

- 39               **(1) is licensed, certified, or registered in another state or**  
 40               **territory of the United States that has requirements**  
 41               **determined by the board to be substantially equivalent to the**  
 42               **requirements specified in this article;**

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- (2) is in good standing in the other state or territory;
- (3) applies in the manner required by the board; and
- (4) pays an application fee specified by the board.

**Sec. 4. The following individuals are not required to be licensed under this article:**

- (1) An individual who is licensed as a physician under IC 25-22.5 or a nurse under IC 25-23. However, the individual may not use the title "genetic counselor" or any other title that indicates that the individual is a genetic counselor unless the individual is licensed under this article.
- (2) A student or an intern from an accredited school who is participating in a supervised training program.
- (3) An individual from another state who is certified by the American Board of Medical Genetics or the American Board of Genetic Counseling and acting in Indiana on a consultant basis.

**Sec. 5. (a) To renew a license under this article, an applicant must complete continuing education. The continuing education must meet the requirements of IC 25-1-4 and consist of:**

- (1) the completion in each two (2) year license cycle of fifty (50) contact hours that have been approved by the National Society of Genetic Counselors; or
- (2) the successful completion in each two (2) year license cycle of a reading assignment and proctored examination in medical genetics by the American Board of Medical Genetics.

**(b) An applicant seeking renewal of a license shall certify that the applicant:**

- (1) has complied with the continuing education requirements; or
- (2) has not complied with the continuing education requirements but is seeking a waiver under section 6 of this chapter from the board.

**Sec. 6. The board may grant an applicant seeking renewal of a license a waiver from all or part of the continuing education requirement for the renewal period if the applicant was not able to fulfill the requirement due to a hardship that resulted from any of the following conditions:**

- (1) Service in the armed forces of the United States during a substantial part of the renewal period.
- (2) An incapacitating illness or injury.
- (3) Other circumstances determined by the board.

**Chapter 4. Unlawful Practices**

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1        **Sec. 1. An individual who does not have a valid license or**  
 2        **temporary license as a genetic counselor under this article may not**  
 3        **use the title "genetic counselor", "licensed genetic counselor", or**  
 4        **any word, letter, abbreviation, or insignia that indicates or implies**  
 5        **that the individual has been issued a license or met the**  
 6        **qualifications for licensure under this article.**

7        **Sec. 2. (a) If the board believes that a person has engaged in or**  
 8        **is about to engage in an act or practice that constitutes or will**  
 9        **constitute a violation of section 1 of this chapter, the board may**  
 10       **apply to a circuit or superior court for an order enjoining the act**  
 11       **or practice.**

12       **(b) If the board determines that a person has engaged in or is**  
 13       **about to engage in an act or practice that constitutes or will**  
 14       **constitute a violation of section 1 of this chapter, an injunction, a**  
 15       **restraining order, or another appropriate order may be granted by**  
 16       **the court.**

17       **Sec. 3. If the board believes that a person has knowingly or**  
 18       **intentionally engaged in an act or practice that violates section 1 of**  
 19       **this chapter, the board may bring the information to the attention**  
 20       **of the attorney general, and the attorney general may cause**  
 21       **criminal proceedings to be brought against the person.**

22       **Sec. 4. A person who knowingly or intentionally violates section**  
 23       **1 of this chapter commits a Class A misdemeanor.**

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## COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 86, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 33, after "1." insert "**Applicability**

**Sec. 1. This article is effective July 1, 2010.**

**Chapter 2."**

Page 3, line 30, delete "2." and insert "3."

Page 4, line 38, delete "licensed, certified, or registered in" and insert "**licensed as a physician under IC 25-22.5 or a nurse under IC 25-23."**

Page 4, delete line 39.

Page 5, line 33, delete "3." and insert "4."

and when so amended that said bill do pass.

(Reference is to SB 86 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 10, Nays 0.

## SENATE MOTION

Madam President: I move that Senate Bill 86 be amended to read as follows:

Page 4, line 38, after "3." insert "**The board may issue a license to an individual who:**

- (1) is licensed, certified, or registered in another state or territory of the United States that has requirements determined by the board to be substantially equivalent to the requirements specified in this article;**
- (2) is in good standing in the other state or territory;**
- (3) applies in the manner required by the board; and**
- (4) pays an application fee specified by the board.**

**Sec. 4."**

Page 5, line 9, delete "4." and insert "5."

Page 5, line 12, delete "thirty" and insert "**fifty (50)**".

Page 5, line 13, delete "(30)".

Page 5, line 13, delete "American" and insert "**National Society of**

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**Genetic Counselors;"**

Page 5, line 14, delete "Board of Genetic Counseling;"

Page 5, line 20, after "requirements;" insert "**or**".

Page 5, delete line 21.

Page 5, line 22, delete "(3)" and insert "**(2)**".

Page 5, line 23, delete "5" and insert "**6**".

Page 5, line 25, delete "5." and insert "**6.**".

(Reference is to SB 86 as printed February 20, 2009.)

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